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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,682	07/28/2003	Patrick J. Donoghue	CSC-002	4564

51414 7590 07/13/2007  
GOODWIN PROCTER LLP  
PATENT ADMINISTRATOR  
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BOSTON, MA 02109-2881

EXAMINER
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AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/627,682</p>	<p>Applicant(s)</p> <p align="center">DONOGHUE ET AL.</p>	
	<p>Examiner</p> <p align="center">Nicholas Augustine</p>	<p>Art Unit</p> <p align="center">2179</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,14-21,23-30,33-39,52,75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14-21,23-30,33-39,52,75 and 76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A. This action is in response to the following communications: Amendment filed 04/09/2007. This action is made **Final**.

B. Claims 1,2,4-11,14-21,23-30,33-38 and 52 are amended. Claims 3,12,13,22,31,32,40-51 and 53-74 are cancelled. Claims 75-76 are new. Claims 1,2,4-11,14-21,23-30,33-39,52 and 75-76 remains pending.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### ***Claim Objections***

1A. Claims 7 and 26 are objected to because of the following informalities: "the item selected from the second list of items" in last line of claims should be "the item selected from the first list of items". If this is not the case as the claim stands renders it indefinite for reason that of it is impossible to have the item selected from the second list

displayed between itself and the item from the third list. Appropriate correction is required.

1B. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP §608.1(o). Correction of the following is required:

A claim 52 is objected to because the terminology "machine-readable medium" was not disclosed.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,2,4-11,14-21,23-30,33-39,52 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahdesmaki, Petri (US 2004/0233238 A1).

As for independent claims 1, 20 and 52, Lahdesmaki teaches a method for displaying a hierarchical list (par.6) on a graphical user interface, the method and corresponding system and medium (figure 13), comprising: a screen for displaying the GUI (fig.3; wherein it is appreciated that 304, figure 3 is a display screen showing the GUI 318); means for allowing a user to make selections on the GUI (314); image generation means (item 320) for displaying along a first direction a first list of items on a display (par. 27 and 202, figure 2); upon selection by a user of one of the items from the first list (par.30 and item 202a), replacing the first list of items by displaying at the first display area and along the first direction (horizontally or vertically) a second list of items (par.36 and 52) comprising one or more of the sub-items associated with the selected item from the first list of items; and displaying the selected item at a second display area along a second direction (vertically or horizontally) different from the first direction (horizontally or vertically) (par.30-33 and 52). However, Lahdesmaki does not specifically use the language "replacing" first menu with second menu. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include replacing the first list of items by displaying at the first display area and along the first direction a second list of items comprising one of the sub-items associated with the selected item

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from the first list of items, in view of Lahdesmaki, because Lahdesmaki suggests that menu items of previous selections can be (darken, transparent, change in color, or other indicative of change of position) (par.35) as well as the new child menu can be placed on top of the parent menu (par.36). Thus this method creates a screen saving real-estate method that places submenus on top of parent menus with the parent menus showing some characteristic that makes them indicative of post selection (one of such can be orientation as well as indicated by "other indicative change of position" and par.33 and 52).

As for dependent claims 2 and 21,58, 67 Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, wherein the item selected from the first list is displayed substantially perpendicular to the one or more sub-items associated therewith (pg.8, col.2, par.11, second line and note the analysis of claim 1).

As for dependent claims 4 and 23, Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, further comprising, upon selection by the user of one of the items in the second list, displaying a third list of items at the first display area by replacing the second list of items, the third list of items corresponding to one or more sub-items associated with the item selected from the second list of items (fig.5B, par.47, line 13, note the analysis of claim 1).

As for dependent claims 5 and 24, Lahdesmaki teaches the method of claim 4 and corresponding device of claim 23, further comprising, vertically displaying at the second display area the item selected from the second list of items (fig. 5B, par.47, line 11 and par.32 and 52).

As for dependent claims 6 and 25, Lahdesmaki teaches the method of claim 5 and corresponding device of claim 24, further comprising, vertically displaying the item selected from the first list of items adjacent to the item selected from the second list of items (fig.5B, par.47 and par.48, line 2 and par.33 and 52).

As for dependent claims 7 and 26, Lahdesmaki teaches the method of claim 6 and corresponding device of claim 25, wherein the item selected from the second list of items is displayed between the third list of items and the item selected from the first list of items (fig.5B, fig.2A and par.47, line 3).

As for dependent claims 8 and 27, Lahdesmaki teaches the method of claim 4 and corresponding device of claim 23, further comprising, upon selection of an item from the third list of items, displaying at the first display area a fourth list of items in place of the third list of items, the fourth list of items corresponding to one or more sub-items associated with the item selected from third list of items (fig.5B and 6B; wherein it is appreciated that the user can select multiple times to show multiple menu sets from sets

of menus as depicted in the above mentioned figures).

As for dependent claims 9 and 28, Lahdesmaki teaches the method of claim 8 and corresponding device of claim 27, further comprising vertically displaying the item selected from the third list of items adjacent to the fourth list of items (fig.8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user).

As for dependent claims 10 and 29, Lahdesmaki teaches the method of claim 9 and corresponding device of claim 28, further comprising vertically displaying the selected item from the second list of items adjacent the selected item from the third list of items (fig.2A, 5B; wherein it is appreciated that the user can select a menu from a set of menu options and be displayed another set of menu options which is then perpendicular and as well as between other choices from the user as being depicted in the above figures, note the remaining other figures incorporated by reference).

As for dependent claims 11 and 30, Lahdesmaki, the method of claim 10 and corresponding device of claim 29, wherein the item selected from the third list of items is displayed between the fourth list of items and the item selected from the third list of items (fig.6B; wherein it is appreciated that the user can select a menu from a set of menu options and be displayed another set of menu options which is then perpendicular



and as well as between other choices from the user as being depicted in the above figures, note the remaining other figures incorporated by reference).

As for dependent claims 14 and 33, Lahdesmaki teaches the method of claim 10 and corresponding device of claim 32 and system of 46, further comprising, upon user selection of one of the vertically displayed, selected items in the second display area, redisplaying at the first display area the list, list of sub-items associated with the vertically displayed selected item (fig. 8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user).

As for dependent claims 15 and 34, Lahdesmaki teaches the method of claim 8 and corresponding device of claim 27, further comprising, upon selection of an item from the fourth list of items, displaying at the first display area a fifth list of items by replacing the fourth list of items, the fifth list of items corresponding to one or more sub-items associate with the item selected from the fourth list of items (fig. 8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user, wherein this case the user is on the fifth iteration of choosing an element. It is appreciated that in figure 8, the user in on the 6<sup>th</sup> menu set; note the analysis of claim 1 above).

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As for dependent claims 16 and 35, Lahdesmaki teaches the method of claim 15 and corresponding device of claim 34, further comprising facilitating the selection of any of the previously selected items displayed in the second display area. (fig. 8; wherein the user can display multiple sets of menus from selection of menus and displaying each menu with in adjacency on one another as well as being perpendicular at the time of display to the user, wherein this case the user is on the fifth iteration of choosing an element. It is appreciated that in figure 8, the user is on the 6<sup>th</sup> menu set, also well in where the user is presented with all of the options at once as depicted in the above mentioned figure).

As for dependent claims 17 and 36, Lahdesmaki teaches the method of claim 15 and corresponding device of claim 34, further comprising: vertically displaying a maximum of three previous selected items (figure 10) in the second display area, such that upon selection of the forth item (note the analysis of claim 1) the first selected item is placed in a non-visible portion of the display adjacent to the second selected item (note the analysis of claims 8-16; wherein it is well appreciated that dependent claim 17 is repeating a broad representation of claims 8-16) (par.30 and 38).

As for dependent claims 18 and 37, Lahdesmaki teaches the method of claim 17 and corresponding device of claim 36, further facilitating the traversal of the a screen indicator display to any of the vertically displayed previously selected first, second, third or forth items, including the first selected item displayed in the non-visible portion of the

display (par.25, line 11; note the analysis of claim 17).

As for dependent claims 19 and 38, Lahdesmaki teaches the method of claim 18 and corresponding device of claim 37, further comprising, upon traversal of the screen indicator to the first selected item, moving the first selected item from the non-visible portion to be in place of the second selected item, moving the second selected item to be in place of the third selected item, moving the selected item from the third list of items to be in place of the forth selected item, and moving the forth selected item to a further non-visible portion of the display (par.25, line 11 and par.31, last line and par.32, line 5 and par.38, line 9; note the analysis of claims 1 and 17).

As for dependent claim 39, Lahdesmaki teaches the electronic device of claim 20, wherein the electronic device is one of a personal data assistant, a watch, a computer, a television, a home security system, a direct broadcast television system, a personal video recorder, or a cable television system (par.43, line 3).

As for independent claim 52, Lahdesmaki teaches a machine-readable medium having stored thereon a plurality of executable instructions (302, 306, par.77, line 5), the plurality of instructions comprising instructions to: display a first list of items horizontally on a display; upon selection by a user of one of the items in the first list, horizontally display a second list of items, the second list of items being associated with the selected item from the first list of items; and vertically display an indication of the selected item

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from the first list of items in a separate area from the second list of items (note the analysis of claim 1-6 above; pieces of the mention claims are mentioned throughout claim 52).

As for dependent claims 75-76, Lahdesmaki teaches the method of claim 1 and corresponding device of claim 20, wherein the first direction is horizontal and the second direction is vertical (note the analysis of claims 1-6 above).

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Note: It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments filed 04/09/2007 have been fully considered but they are not persuasive.

- *Applicant argues that Lahdesmaki does not teach replacing a parent menu with a child menu (page 11 of amendment).*
- Examiner does not agree, wherein it would have been obvious to those skilled in the art to see that Lahdesmaki teaches replacing a parent menu

with a child menu, because Lahdesmaki suggest that the submenu (child) is placed on top of the menu (parent), paragraph 36. As well as Lahdesmaki gives the method of making sub menus indicative with various methods such as (transparency, color, brightness, etc), paragraph 35. Those skilled in the art would recognize that the path navigation (par.33) as taught by Lahdesmaki could be displayed/ implanted in various ways so pointed out above in the analysis of claim 1.

- *Applicant states that figures 7 and 8 of Lahdesmaki show menu items are cluttered on the display screen (page 12 of amendment).*
- Examiner does not agree, as stated by Lahdesmaki figures 7-8 as well as other depict what all of the possible menu navigations are, not that this is the final display to the user but only to show, as an example, of how a plurality of menu items could look with use of the system in an embodiment.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

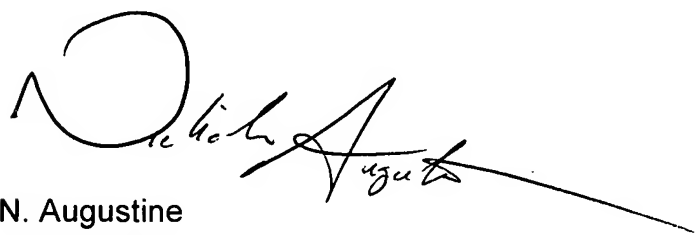
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Inquires**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nicholas Augustine  
Examiner  
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July 3, 2007



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